

REFERENCE TITLE: prison contraband; wireless communication device

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2134**

Introduced by  
Representatives Weiers JP, Antenori, Ash, Gowan: Fleming, McLain, Stevens,  
Senators Burton Cahill, Gray L, Huppenthal, Rios, Tibshraeny

### **AN ACT**

AMENDING SECTION 13-2501, ARIZONA REVISED STATUTES; RELATING TO ESCAPE AND RELATED OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-2501, Arizona Revised Statutes, is amended to  
3 read:

4           13-2501. Definitions

5       In this chapter, unless the context otherwise requires:

6       1. "Contraband" means any dangerous drug, narcotic drug, marijuana,  
7       intoxicating liquor of any kind, deadly weapon, dangerous instrument,  
8       explosive, **WIRELESS COMMUNICATION DEVICE, MULTIMEDIA STORAGE DEVICE** or other  
9       article whose use or possession would endanger the safety, security or  
10      preservation of order in a correctional facility or a juvenile secure care  
11      facility as defined **by IN** section 41-2801, or of any person within a  
12      correctional or juvenile secure care facility.

13      2. "Correctional facility" means any place used for the confinement or  
14      control of a person:

15       (a) Charged with or convicted of an offense; or

16       (b) Held for extradition; or

17       (c) Pursuant to an order of court for law enforcement purposes.

18      Lawful transportation or movement incident to correctional facility  
19      confinement pursuant to this paragraph is within the control of a  
20      correctional facility. **However,** For **THE** purposes of this chapter, being  
21      within the control of a correctional facility does not include release on  
22      parole, on community supervision, on probation or by other lawful authority  
23      **upon ON** the condition of subsequent personal appearance at a designated place  
24      and time.

25      3. "Custody" means the imposition of actual or constructive restraint  
26      pursuant to an on-site arrest or court order but does not include detention  
27      in a correctional facility, juvenile detention center or state hospital.

28      4. "Escape" means departure from custody or from a juvenile secure  
29      care facility as described in section 41-2816, a juvenile detention facility  
30      or an adult correctional facility in which a person is held or detained with  
31      knowledge that such departure is unpermitted or failure to return to custody  
32      or detention following a temporary leave granted for a specific purpose or  
33      for a limited period.